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| APPLICATION NO.             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
| 10/762,427                  | 01/22/2004  | Jonathan Feinberg    | 260-007<br>LOT9-2003-0108US1 | 4906             |
| 44185                       | 7590        | 06/11/2008           | EXAMINER                     |                  |
| LOTUS AND RATIONAL SOFTWARE |             |                      | ABDUL-ALI, OMAR R            |                  |
| David A. Dagg, Esq.         |             |                      |                              |                  |
| 44 Chapin Road              |             |                      | ART UNIT                     |                  |
| Newton, MA 02459            |             |                      | PAPER NUMBER                 |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/762,427 | <b>Applicant(s)</b><br>FEINBERG ET AL. |  |
|                              | <b>Examiner</b><br>OMAR ABDUL-ALI    | <b>Art Unit</b><br>2178                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The following action is in response to the Appeal Brief filed March 31, 2008. Claims 1-31 are pending and have been considered below.

1. The Applicant's arguments with respect to the rejection(s) of claim(s) 4, 14, and 24 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Brin (US 7,124,372).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 8-13, 18-23, 28-31 remain rejected under 35 U.S.C. 102(e) as being anticipated by Godefroid et al. (US 6,697,840).

Claims 1, 11, 21, and 31: Godefroid discloses a method and apparatus implementing presence awareness in collaborative systems comprising:

- a. sensing the number of instant messaging sessions associated with a user of a remote computer system (column 5, lines 19-46);
- b. conveying said number of instant messaging sessions from remote user to an awareness server application process (column 5, lines 19-46);
- c. conveying said number of instant messaging sessions from remote user to an awareness client application process executing on a local computer system (column 5, lines 19-46);
- d. presenting, by awareness client application process, said number of instant messaging sessions in a display for said local computer system (column 5, lines 19-46).

Claims 2, 12, 22: Godefroid discloses a method and apparatus implementing presence awareness in collaborative systems as in Claims 1, 11, and 21 above, further comprising:

- a. sensing activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system (column 5, lines 19-46);
- b. conveying said activity level from remote computer system to awareness server application process (column 5, lines 19-46);
- c. presenting, by awareness application process, activity level associated with user of remote computer system in said display for said local computer system (column 5, lines 19-46).

Claims 3, 13, and 23: Godefroid discloses a method and apparatus implementing presence awareness in collaborative systems as in Claims 2, 12, and 22 above, further comprising:

- a. presenting said number of instant messaging sessions and activity level simultaneously in said display for said local computer system (column 5, lines 19-46).

Claims 8, 18, and 28: Godefroid discloses a method and apparatus implementing presence awareness in collaborative systems as in Claims 1, 11, and 21 above, further comprising:

- a. presenting modal dialog box in response to detection of a request by user of local computer system for instant message system with user of remote system, includes indication of whether or not to terminate said request (column 5, lines 52-55).

Claims 9, 19, and 29: Godefroid discloses a method and apparatus implementing presence awareness in collaborative systems as in Claims 1, 11, and 21 above, further comprising:

- a. presenting an interface to said local user that indicates whether a number of instant messaging associated with said user of said local computer system is to be shared with other users (column 6, lines 12-18).

Claims 10, 20, and 30: Godefroid discloses a method and apparatus implementing presence awareness in collaborative systems as in Claims 1, 11, and 21 above, further comprising:

a. presenting an interface that enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with local user is to be shared (column 6, lines 12-18).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7, 13-17, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godefroid et al. (US 6,697,840) in view of Brin (US 7,124,372).

Claims 4, 14, and 24: Godefroid discloses a method and apparatus implementing presence awareness in collaborative systems as in Claims 3, 13, and 22 above, but does not explicitly disclose that the activity level reflects a time at which the most recent keystroke was entered by said user of said remote computer system. However, Godefroid does disclose that the start time and end time of a collaboration session is available to users (column 7, lines 52-54). Brin discloses a similar method

implementing presence awareness in collaborative systems that further discloses placing a timestamp on each press of the 'Enter' key of a keyboard (column 13, lines 1-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a time stamp could be applied to any message sent by a user in Godefroid. One would have been motivated to determine the time the most recent keystroke was entered for record keeping purposes, and to keep track of a user's presence on their computer terminal.

Claims 5, 15, and 25: Godefroid and Brin disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 4, 14, and 24 above, and Brin further discloses said activity level associated with said remote user reflects a time at which a most recent text message was received by said user of said remote computer system in said at least one of said instant messaging sessions (column 13, lines 1-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a time stamp could be applied to any message received from a remote user in Godefroid. One would have been motivated to determine the time at which a most recent text message was received by a remote user for record keeping purposes.

Claims 6, 16, and 26: Godefroid and Brin disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 5, 15, and 25 above, and Godefroid further discloses:

- a. activity level indicating time at which instant messaging session was initiated (column 7, lines 52-54).

Claims 7, 17, and 27: Godefroid and Brin disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 5, 13, and 24 above, and Godefroid further discloses:

- a. sensing identity of at least one other participant in an instant messaging session with said user of said remote computer system (column 5, lines 19-46);
- b. conveying said identity from said remote computer system to said awareness server application process (column 5, lines 19-46);
- c. presenting said identity of at least one other participant in said display for said local computer system (column 5, lines 19-46).

### ***Response to Arguments***

6. Applicant's arguments filed March 31, 2008 have been fully considered but they are not persuasive.

Claims 1, 11, 21, and 31: Applicant argues Godefroid does not disclose or suggest "sensing, conveying and presenting in a computer system display a number of instant messaging sessions associated with a user of a remote computer system". It is respectfully submitted that Godefroid discloses the present limitations. Godefroid discloses users may inquire about the presence of other users, including whether the user X is currently in a chat session. Claims 1, 11, 21, and 31 require the number of



instant messaging sessions to be presented to the user, which reasonably interpreted, may be one or zero sessions. Therefore, the number of instant messaging sessions associated with a user of a remote computer system is sensed, conveyed, and presented in Godefroid.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR ABDUL-ALI whose telephone number is (571)270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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6/02/2008

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Unit 2178